

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 326

Introduced by Assembly Member Morrell

February 13, 2013

An act to ~~add Section 142.5 to~~ amend Section 6409.1 of the Labor Code, relating to occupational safety and health ~~standards~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 326, as amended, Morrell. Occupational safety and health ~~standards~~: reporting *requirements*.

Under existing law, there is the Division of Occupational Safety and Health within the Department of Industrial Relations. Existing law requires every employer to file a complete report of every occupational injury or occupational illness of each employee, as specified, with the department. Existing law requires an employer to make an immediate report of every case involving an employee's serious injury or illness or death to the division.

This bill would require every employer to make an immediate report to the division of each fatality or hospitalization incident that occurs within 30 days of a work-related incident.

~~Existing law provides that the Occupational Safety and Health Standards Board is the only agency in the state authorized to adopt, amend, or repeal occupational safety and health standards, and requires the board to adopt standards that are at least as effective as federal standards promulgated under the federal Occupational Safety and Health Act of 1970, within a specified time. Existing regulations of the board govern reporting of work-connected fatalities and serious injuries.~~

~~This bill would require the board to amend state standards that govern reporting of work-related injuries to conform to specified federal regulations that require reporting of each fatality or multiple hospitalization incident that occurs within 30 days of a work-related incident.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6409.1 of the Labor Code is amended to
2 read:
3 6409.1. (a) Every employer shall file a complete report of
4 every occupational injury or occupational illness, as defined in
5 subdivision (b) of Section 6409, ~~to~~ of each employee which results
6 in lost time beyond the date of the injury or illness, or which
7 requires medical treatment beyond first aid, with the Department
8 of Industrial Relations or, if an insured employer, with the insurer,
9 on a form prescribed for that purpose by the department. A report
10 shall be filed concerning each injury and illness which has, or is
11 alleged to have, arisen out of and in the course of employment,
12 within five days after the employer obtains knowledge of the injury
13 or illness. Each report of occupational injury or occupational illness
14 shall indicate the social security number of the injured employee.
15 In the case of an insured employer, the insurer shall file with the
16 division immediately upon receipt, a copy of the employer's report,
17 which has been received from the insured employer. In the event
18 an employer has filed a report of injury or illness pursuant to this
19 subdivision and the employee subsequently dies as a result of the
20 reported injury or illness, the employer shall file an amended report
21 indicating the death with the department or, if an insured employer,
22 with the insurer, within five days after the employer is notified or
23 learns of the death. A copy of any amended reports received by
24 the insurer shall be filed with the division immediately upon
25 receipt.
26 (b) In every case involving a serious injury or illness, or death,
27 in addition to the report required by subdivision (a), a report shall
28 be made immediately by the employer to the Division of
29 Occupational Safety and Health by telephone or telegraph. An
30 employer who violates this subdivision may be assessed a civil

1 penalty of not less than five thousand dollars (\$5,000). Nothing in
2 this subdivision shall be construed to increase the maximum civil
3 penalty, pursuant to Sections 6427 to 6430, inclusive, that may be
4 imposed for a violation of this section.

5 *(c) (1) Every employer shall make an immediate report to the*
6 *Division of Occupational Safety and Health, by telephone or*
7 *telegraph, of each fatality or hospitalization incident that occurs*
8 *within 30 days of a work-related incident.*

9 *(2) Nothing in this subdivision shall be construed to require the*
10 *reporting to the Division of Occupational Safety and Health of*
11 *any work-connected fatality or hospitalizations that occurs after*
12 *30 days of a work-related incident.*

13 ~~SECTION 1. Section 142.5 is added to the Labor Code, to~~
14 ~~read:~~

15 ~~142.5. (a) The board shall amend state standards including,~~
16 ~~but not limited to, the definition of "serious injury or illness" in~~
17 ~~Section 330(h) of Title 8 of the Code of Regulations, and the term~~
18 ~~"serious injury or illness" as described in Section 342 of Title 8,~~
19 ~~of the Code of Regulations, that govern the reporting of~~
20 ~~work-connected fatalities and serious injuries, to conform to~~
21 ~~Section 1904.39(b)(6) of Title 29 of the Code of Federal~~
22 ~~Regulations, requiring reporting of each fatality or multiple~~
23 ~~hospitalization incident that occurs within 30 days of a work-related~~
24 ~~incident.~~

25 ~~(b) Consistent with Section 1904.39(b)(6) of Title 29 of the~~
26 ~~Code of Federal Regulations, nothing in this section shall be~~
27 ~~construed to require the reporting to the Division of Occupational~~
28 ~~Safety and Health of any work-connected fatality or~~
29 ~~hospitalizations that occur after 30 days of a work-related incident.~~